

## REMARKS

Reconsideration of this application as amended is respectfully requested. The applicant has amended claims 1, 5, and 6. Claims 4 and 10-12 have been cancelled.

Support for the amendment may be found in the specification, the drawings and the claims as originally filed. On account of the foregoing listed support for the amendments, it is respectfully submitted that the amendments do not add new matter.

### Claim Rejections Under 35 USC § 102

The Examiner has rejected claims 1-3 and 12 under 35 USC § 102(e), as being anticipated by Comiskey et al. (U.S. Patent No. 6,473,072).

Claim 1, as amended, includes the following limitations:

a pressure-tolerant display including a plurality of interference modulation elements; and  
a touch screen directly coupled to the display.

(Amended claim 1, emphasis added)

As will be seen, claim 1, as amended, now includes the limitation of a plurality of interference modulation elements, which is similar to the limitation of claim 4, now deleted. The Examiner rejected claim 4 under 35 U.S.C. 103(a) as being unpatentable over Comiskey et al. in view of Miles. Effective November 29, 1999, 35 U.S.C. 103(c), provides that subject matter developed by another which qualifies as "prior art" only under one or more of subsections 35 U.S.C. 102(e) (f) and (g) is not to be considered when determining whether an invention sought to be patented is obvious under 35 U.S.C. 103, provided the subject matter and the claimed invention were commonly owned at the time the invention was made. In the present case, the subject matter of Miles (U.S. Publication No. 2002/0126364) and the claimed invention were commonly owned by Iridigm Display Corporation at the time the invention of the present

application was made. Furthermore, the Examiner is using Miles as 35 U.S.C. 102(e) "prior art." Thus, under 35 U.S.C. 103(c), Miles is disqualified as being "prior art." Since the Examiner concedes that Comiskey does not specifically teach that the display is "an interferometric modulator display," it is respectfully submitted that claim 1, as amended, is not anticipated or rendered obvious by a combination of Comiskey and Miles.

Given that claims 2-9 depend on claim 1, it is respectfully submitted that these claims are also not anticipated or rendered obvious by the combination of Miles and Comiskey.


It is respectfully submitted that in view of the amendments and remarks set forth herein, all rejections have been overcome. All pending claims are now in condition for allowance, which is earnestly solicited.

Authorization is hereby given to charge our Deposit Account 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such an extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Dated: 5/27/, 2003

  
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Vani Moodley, Under 37 CFR § 10.9(b)

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